

REMARKS

Applicant wishes to thank the Examiner for the courtesy extended in granting an interview which was conducted on October 20 2004, between the Examiner, Aristotelis M. Psitos and the undersigned attorney of record, Eugene Liberstein. Applicant is submitting herewith a verified translation of the priority document, Japanese patent application number 2000-377692, to perfect the claim for priority based upon Parent Japanese patent application published December 12th 2000. It was agreed that the filing of this verified translation would render the reference JP2001-093173 ineffective since this reference was published on April 6, 2001 which is subsequent to the priority date of December 12th 2000.

During the interview all of the references with the exception of JP2001-093173 were discussed at length. Applicant has submitted herewith an amended set of claims in which claim 1 was amended to make it clear that the arrangement of projections restrict rotation of the lens holder by being laterally separated in a side by side arrangement along the same plane in parallel to one another relative to the recording surface. It was agreed that this would clarify the recitation of the arrangement and would distinguish claim 1 from all of the cited references. Likewise claim 2 has been amended to similarly make it clear that the second projections are laterally separated from the first projections at a predetermined distance and lie along the same plane and that each of the first projections and a respective one of the second projections are disposed in an arrangement side by side along the same plane and in parallel with respect to the recording surface. The elastic supports are directly fixed to the lens holder. A similar amendment was made to claim 5 which is also an independent claim.

However it should be pointed out that a further amendment was made to claims 2 and 5 not discussed during the interview. The wording "such that the distance separating the second projections from the recording surface is smaller than the distance separating the first projections from the recording surface" has been deleted from claims 2

and 5 and incorporated in the new claims 8 and 9 as dependent claims. This deletion is requested by applicant in view of the fact that this limitation was not discussed during the prosecution and, more importantly, was not required to distinguish the subject invention from the prior art of record. Accordingly, this feature of the invention was moved to claims 8 and 9.

The rejection of claim 1 from the 35 USC 102(e) as being anticipated by Shinozuka et al is respectfully traversed.

It was pointed out to the Examiner during the interview that the frame element 35 in figure 8 of Shinozuka is a "holder connecting frame" which is removed before final assembly of the lens driving apparatus to complete the assembly and is therefore not part of the lens driving apparatus. This is clearly indicated in the specification of Shinozuka et al in column 10 lines 43-52. The object of the holder connecting frame 35 is further explained in column 5 line 17-20 and in column 12 lines 61-63 respectively. In column 13 of Shinozuka et al paragraph (5) it is explicitly stated that the resultant structure is placed on a jig and the holder connection frame 35 is removed therefrom. Accordingly the rejection of claim 1 under 35 USC 102(e) as being anticipated by Shinozuka et al should be withdrawn.

The rejection of claim 1 under 35 USC 103(a) as being unpatentable over JP2001-093173 when considered with JP10-198986 is now moot in light of the submission of applicants verified translation of the parent priority document.

The rejection of claim 1 under 35 USC 103(a) as being unpatentable over Masunaga when considered with JP10-198986 is respectfully traversed.

It was agreed during the interview to clarify claim 1 by adding the words "along the same plane and" after --- side by side --- in the last line thereof. This clearly distinguishes the optical pick-up device as claimed from the arrangement shown in figure 2 of Masunaga. However, it was further pointed out to the Examiner that the alleged

protrusions in the lens holder shown in figure 2 of Masunaga do not function as projections when the lens holder is fully assembled relative to the frame and cannot restrict rotation of the lens holder. Stated otherwise, not only is the arrangement of figure 2 entirely different from the arrangement claimed by applicant but equally important is the fact that the so called protrusion in figure 2 of Masunaga in the assembly of figures 4 and 5 do not protrude relative to the frame and therefore do not act as stoppers much less to restrict rotation. Accordingly, any rejection of claim 1 under 35 USC 103(a) as being unpatentable over Masunaga when further considered with JP10-198986 should be withdrawn.

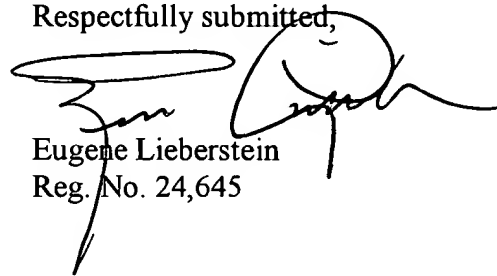
The rejection of the dependant claims 2 and 7 under 35 USC 102(b) as being anticipated by either Masunaga or Tomiyama et al is respectfully traversed. As pointed out above, the protrusions in the lens holder shown in figure 2 in Masunaga are truly not projections at all and do not function as stoppers. Moreover, in claims 1, 2 and 5 a lateral spacing between the projections is required to form the side by side arrangement along the same plane. This is not shown in Masunaga. With regard to the Tomiyama reference '762 the Examiner refers to figure 2 which is an exploded perspective view in which projections 2b-2c, 2d-2e, 6a-6b, and 6c-6d are shown spaced apart to accommodate the placement of the elastic support members 4a, 4b, 4c and 4d respectively. However once the elastic support members are properly mounted as taught in column 2 such as by means of an adhesive or by soldering, the resultant structure no longer has "projections" which can function as stoppers. According the rejection of claims 2 and 7 under 35 USC 102(b) and being anticipated by Masunaga or Tomiyama and rejection of claim 5 under 35 USC 102(b) and being anticipated by Tomiyama et al should be withdrawn.

All of the other claims are dependant claims which depend from the independent claims 2 and 5 and are therefore believed patentable for the same reasons as given heretofore. Accordingly the rejection of claims 3 and 4 and claim 6 should also be withdrawn.

As noted earlier new claims 8 and 9 have been added to include the respective limitation of the distance separating the second projection from the recording surface relative to the distance separating the first projection from the recording surface deleted from claims 2 and 5. Accordingly, these claims are believed patentable for the same reasons as given heretofore.

Reconsideration and allowance of claims 1-9 is respectfully solicited.

Respectfully submitted,



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